IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS TYLER DIVISION

EMANUAL DELEON FIELDS, \$ #1127671,

VS. § CIVIL ACTION NO. 6:20-cv-423

LORIE DAVIS, ET AL. §

ORDER ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

The action was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636. On February 24, 2022, the Magistrate Judge issued a Report and Recommendation (Docket No. 37), recommending that Defendants' respective Motions to Dismiss pursuant to Rules 12(b)(1) and 12(b)(6) (Docket Nos. 28, 33) be granted and that Plaintiff's case be dismissed. Plaintiff filed objections. (Docket No. 38).

The Court reviews objected-to portions of the Magistrate Judge's Report and Recommendation de novo. See FED. R. CIV. P. 72 and 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). The Court conducting a de novo review examines the entire record and makes an independent assessment under the law. Douglass v. United Servs. Auto. Ass'n, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), superseded on other grounds by statute, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Having reviewed Plaintiff's objections de novo, the Court concludes that the objections are without merit and that the findings and conclusions of the Magistrate Judge are correct. It is accordingly

ORDERED that the Report and Recommendation (Docket No. 37) is ADOPTED. It is ORDERED that Defendants' Motions to Dismiss (Docket Nos. 28, 33) are GRANTED. It is further ORDERED that Plaintiff's official capacity claims are DISMISSED WITHOUT PREJUDICE. It is further that Plaintiff's individual capacity claims are DISMISSED WITH PREJUDICE. All motions not previously ruled on are DENIED AS MOOT.

So ORDERED and SIGNED this 16th day of March, 2022.

JEREMYD. KERNODLE

UNITED STATES DISTRICT JUDGE